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10/014,108	11/13/2001	Takashi Igarashi	01730/LH	4018
1933	7590	12/22/2005	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC			FRITZ, BRADFORD F	
220 Fifth Avenue			ART UNIT	
16TH Floor			PAPER NUMBER	
NEW YORK, NY 10001-7708			2141	

DATE MAILED: 12/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/014,108

Applicant(s)

IGARASHI ET AL.

Examiner

Bradford F. Fritz

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11/13/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities: the claim recites, "the aforesaid image outputting apparatus are updated". The recitation of "are" is grammatically incorrect and appears to be a typographical error. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1 and 2 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

4. The subject matter of claims 1 and 2, essentially recite "software for plural image outputting apparatuses", which the Examiner finds to be non-statutory because the claimed subject matter is non-statutory as not being tangibly embodied in a manner so as to be executable.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Kageyama et al (U.S. Patent No. 5,625,757), hereinafter referred to as Kageyama.
7. Regarding claim 1, Kageyama disclosed a system wherein transmission and receipt can be carried out between at least one image outputting apparatus and an administering apparatus to conduct maintenance administration of the image outputting apparatus (see abstract, column 2, line 64 – column 3, line 5; column 52, lines 15-24 and column 55, lines 11-41), each function and unit which are necessary for operating the image outputting apparatus are controlled on a unification basis by communication between the administering apparatus and the image outputting apparatus (see abstract; column 16, line 54 – column 17, line 8 and column 20, lines 65-67), the administering apparatus acquires information of the function and unit of the image outputting apparatus through transmission and receipt with respect to updating of software that conducts control of operations of each function and unit of the image outputting apparatus (see column 52, lines 8-24), and software for plural image outputting apparatuses capable of operating under the appropriate conditions including, at need, the aforesaid image outputting apparatus are updated (see column 52, lines 15-30).
8. Regarding claim 6, Kageyama disclosed a system in which a monitoring center and an image outputting apparatus having a plurality of units are connected by a network and the image outputting apparatus is administrated by the monitoring center

(see abstract), wherein the image outputting apparatus has a function to send structure information of plural units to the monitoring center (see column 52, lines 8-24), and the monitoring center has a function to judge compatibility between the image outputting apparatus and the unit (see column 7, lines 11-38), or compatibility among plural units, based on structure information coming from the image outputting apparatus (see column 7, lines 11-38).

9. Regarding claim 17, Kageyama disclosed a system in which a monitoring center and an image outputting apparatus are connected by a network and the image outputting apparatus is administrated by the monitoring center (see abstract), wherein the image outputting apparatus has a memory with which the image outputting apparatus stores error log information (see column 15, lines 15-22 and column 17, lines 9-24), and the monitoring center judges occurrence of troubles of the image outputting apparatus based on error log information obtained from the image outputting apparatus (see column 7, lines 11-38).

10. Regarding claim 2, Kageyama disclosed a system wherein abnormalities of each function and unit necessary for operating the image outputting apparatus are judged based on information of operations of the image outputting apparatus accumulated in the image outputting apparatus (see column 7, lines 11-38 and column 20, lines 40-64), and software for plural image outputting apparatuses capable of operating under the appropriate conditions including the aforesaid image outputting apparatus are updated (see column 52, lines 15-30).

11. Regarding claim 3, Kageyama disclosed a system wherein information obtained from the image outputting apparatus can be accumulated in the storage section of the administrating apparatus (see column 2, lines 41-59 and column 55, lines 11-41).

12. Regarding claim 4, Kageyama disclosed a system wherein information based on the aforesaid accumulated information are available from the image outputting apparatus (see column 2, lines 41-59 and column 55, lines 11-41).

13. Regarding claim 5, Kageyama disclosed a system wherein each function and each unit of the image outputting apparatus have specific symbols which can be discriminated respectively (see column 61, lines 29-39).

14. Regarding claim 7, Kageyama disclosed a system wherein the structure information includes a serial number of each unit and a software version installed (see column 26, lines 23-27 and column 50, lines 5-16).

15. Regarding claim 8, Kageyama disclosed a system wherein the image outputting apparatus sends the structure information to the monitoring center when the image outputting apparatus is connected to the network (see column 51, line 65 – column 52, line 24).

16. Regarding claim 9, Kageyama disclosed a system wherein the image outputting apparatus sends the structure information to the monitoring center to meet the request from the monitoring center (see column 23, lines 50-67 and column 29, line 59 – line 11).

17. Regarding claim 10, Kageyama disclosed a system wherein the image outputting apparatus sends the structure information periodically to the monitoring center (see column 47, lines 44-58).

18. Regarding claim 11, Kageyama disclosed a system wherein the image outputting apparatus sends the structure information periodically to the monitoring center, as occasion demands (see column 47, lines 44-58 and see column 52, lines 8-25).

19. Regarding claim 12, Kageyama disclosed a system wherein when compatibility of software version for the image outputting apparatus or for each unit is not kept, the image outputting apparatus makes the image outputting apparatus or each unit for which the compatibility is not kept to download the software version appropriated for the condition of the image outputting apparatus or each unit (see column 15, lines 42-56 and column 55, line 56 – column 56, line 3).

20. Regarding claim 13, Kageyama disclosed a system wherein when compatibility of structure for the image outputting apparatus or for each unit is not kept, the monitoring center notifies to the image outputting apparatus or to each unit (see column 7, lines 10-38).

21. Regarding claim 14, Kageyama disclosed a system wherein the monitoring center notifies to the image outputting apparatus or to each unit and selects appropriated structure to notify it (see column 7, lines 10-38).

22. Regarding claim 15, Kageyama disclosed a system wherein the image outputting apparatus has a function to send specific ID information corresponding to software installed in the image outputting apparatus or structure information including preparer

specifying information and version information to the monitor center (see column 2, lines 41-64 and column 7, lines 10-38 and column 48, lines 46-65), and the monitoring center has a function to judge compatibility of the image outputting apparatus based on structure information coming from the image outputting apparatus (see column 7, lines 10-38).

23. Regarding claim 16, Kageyama disclosed a system wherein the image outputting apparatus has a function to send specific ID information corresponding to plural units and plural software or structure information including preparer specifying information and version information to the monitor center (see column 2, lines 41-64 and column 7, lines 10-38 and column 48, lines 46-65), and the monitoring center has a function to judge, based on structure information coming from the image outputting apparatus (see column 7, lines 10-38), whether compatibility between each unit and software or compatibility among them is kept or not (see column 15, lines 42-56 and column 55, line 56 – column 56, line 3), and unit or software of the image outputting apparatus is switched or an automatic version is changed based on the judgment stated above (see column 15, lines 42-56 and column 55, line 56 – column 56, line 3).

24. Regarding claim 18, Kageyama disclosed a system wherein the monitoring center conducts change (see column 53, lines 28-39), correction or version upgrading for the control software in the image outputting apparatus (see column 55, line 56 – column 56, line 3), based on the error log information (see abstract, and column 33, line 42 – column 34, line 30 and column 55, line 56 – column 56, line 3).



25. Regarding claim 19, Kageyama disclosed a system wherein the image outputting apparatus transmits to meet the request by the monitoring center for sending periodic error log information (see column 34, lines 9-45, periodically watch the printer error).

26. Regarding claim 20, Kageyama disclosed a system wherein the image outputting apparatus transmits to meet the request made, at need, by the monitoring center for sending error log information (see abstract and column 4, lines 36-61).

27. Regarding claim 21, Kageyama disclosed a system wherein the image outputting apparatus transmits error log information periodically to the monitoring center (see column 34, lines 9-45, periodically watch the printer error).

28. Regarding claim 22, Kageyama disclosed a system wherein the image outputting apparatus transmits error log information to the monitoring center as occasion demands (see column 34, lines 9-45 and column 4, lines 36-61).

29. Regarding claim 23, Kageyama disclosed a system wherein the image outputting apparatus transmits to the monitoring center at the timing corresponding to the accumulation data for contents of error log information (see column 40, lines 14-25 and column 34, lines 9-45).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kawanabe (2002/0001100) Image processing system, image data processing method, and storage medium.

Boswell (U.S. Patent No. 5,559,933) Distributed enterprise print controller.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradford F. Fritz whose telephone number is 571-272-3860. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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